THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION No. 27410 OF 2006

Dated 19th January 2007

Between:

B.Srinivas Reddy

…Petitioner

and

A.P.S.R.T.C., rep. by its Vice Chairman and Managing Director, RTC 'X' Roads, Musheerabad, Hyderabad & others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 27410 OF 2006

O R D E R:

The petitioner owned a bus bearing No.AP-28U-3924. The same was hired by the Andhra Pradesh State Road Transport Corporation (for short "the Corporation"), for being operated on a route in the Hyderabad Region. The vehicle met with an accident, resulting in the death of one Sri G.Niranjan. His legal heirs filed O.P.No.160 of 2003, before the Motor Accidents Claims Tribunal-cum-I Additional Metropolitan Sessions Judge, Hyderabad, against the petitioner, the Corporation and the insurer of the vehicle, the 3rd respondent herein. A sum of Rs.1,60,000/- was awarded as compensation, and the respondents in the OP were held jointly and severally liable, to pay the compensation. It is represented that the 3rd respondent herein had already deposited half of the amount awarded by the Tribunal, and that the matter is pending before this court.

The petitioner replaced the bus bearing No.AP-28U-3924, with another vehicle bearing No.AP-28V-6471. His complaint is that the respondents 1 and 2 stopped payment of the hire charges from 16.10.2006 onwards, and seeks necessary directions from this court.

Heard the learned counsel for the petitioner and learned Standing Counsel for the Corporation.

The only basis on which the respondents 1 and 2 withheld the hire charges to the petitioner for the vehicle bearing No.AP-28-V-6471 is that in relation to an accident involving vehicle bearing No.AP-28U-3924, an award was passed by the Tribunal, holding the petitioner and the respondents herein, as jointly and severally liable. On their part, respondents 1 and 2 did not pay any amount awarded in O.P.No.160 of 2003. On the other hand, the 3rd respondent is said to have deposited half of the compensation. There is no reason to suspect that the remaining part of the amount would not be complied with, by the 3rd respondent, or at any rate, by the petitioner. It is true that this court held in some of the matters that the Corporation cannot be held liable to pay the compensation, in the event of the vehicle hired by it, meeting with an accident. Further, as of now, no proceedings were instituted against the respondents 1 and 2. Their interests can be protected, by directing the petitioner herein to indemnify them, in the event of any liability being fastened upon them.

For the foregoing reasons, the writ petition is disposed of, directing that the respondents 1 and 2 shall release the amounts payable to the petitioner, for hiring the vehicle bearing No.AP-28V-6471, with effect from 16.10.2006, on condition that the

petitioner files an Indemnity Bond, to the effect that he shall take the liability to pay the compensation awarded in O.P.No.160 of 2003, upon himself, in the event of the 3rd respondent not complying with the decree therein. There shall be no order as to costs.

_____

19th January 2007

PAN/GJ